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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,980	07/11/2000	Leonard E. Marchese	11590/9-1268	1815

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/613,980

**Applicant(s)**

MARCHESE, LEONARD E.

**Examiner**

Khanh Dinh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-30,32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,22,24-30,32 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. In view of the Appeal Brief filed on 5/9/2005, PROSECUTION IS HEREBY REOPENED. The Office Action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 21, 22, 24-30, 32 and 34-37 are presented for examination.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 21, 22, 24-30, 32 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirk et al, US pat. No.6,175,842.

As to claim 21, Kirk discloses a system for organizing and assembling information and resources for interaction with at least one user for facilitating creative problem solving comprising:

a host/server (server 411 fig.4) disposed on a network (404 fig.4).

a plurality of devices (401, 402, 403, 404 fig.4) connectable to the host/server via the network and for generating a plurality of individualized electronic spaces (see abstract, fig.4, col.5 line 43 to col.6 line 39).

means (proxy server 408 fig.4) for a user to configure an individual room by selecting graphic, textual and application information and resources for display in an individualized room, each configured and displayed as selectable iconic images (wall decoration) located in the individualized room (see col.6 lines 1-49 and col.7 lines 10-47).

means for each user to access the individualized electronic room and actuating the selected iconic images for accessing the graphic, textual and application information and resources within the individual electronic room space, storing and displaying the

individualized electronic spaces (enabling user to build their own avatar using body type, head shape, see col.7 line 48 to col.8 line 27).

an intelligent agent application (using cospace client software) supported on the host/server for interacting with each user accessing an individualized electronic room (see col.8 lines 6-44).

means for monitoring the intelligent agent and means for engaging a dispatcher [using a cospace server (409 fig.4) to track state of each client including hypertext file they request] for locating resources and tools for user responsive to the intelligent agent (see col.7 line 62 to col.8 line 67 and col.9 line 60 to col.10 line 30).

As to claim 22, Kirk discloses processing means, communication means and storage means (see fig.5, col.11 line 40 to col.12 line 27).

As to claim 24, Kirk discloses each electronic space display as a virtual room on display devices of each of the plurality of users, the common room configured to for computer generated display as a virtual room (VR) being accessible by two or more of users and means for supporting interactive between the selected users within the common room, displayed on each of the user's local display device (see fig.4, col.8 lines 13-67 and col.9 lines 11-59).

As to claim 25, Kirk discloses the selected resources are selected from the group containing of search engines, databases, experts, technical information, work

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processing applications, presentation applications, planning applications and communication applications (see fig.4, col.9 line 23 to col.10 line 58).

As to claim 26, Kirk discloses generating at least one electronic space that is accessible by a user comprising:

a computer generated image on a display device (401 fig.4), the image containing selected graphical and textual information displayed in the room image, one or more images being settable as one or more iconic images activatable to access at least one selected resource or software application (enabling users to build their own avatars, see col.6 lines 1-39 and col.8 lines 6-44), each actively accessible selected resources being usable within a user displayed as images, wherein a user creates an interactive and individual computer generated image furnished with selected images and selected furnishing images (see col.8 lines 6-67).

creating a room viewable by a user selecting decorative images and an intelligent agent application for supported on the host/server for interacting with each user accessing an individualized electronic room and means for monitoring the intelligent agent and means for engaging a dispatcher for locating resources and tools for user responsive to the intelligent agent [using a cospace server (409 fig.4) to track state of each client including hypertext file they request] (see col.7 line 62 to col.8 line 67 and col.9 line 60 to col.10 line 30).

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As to claim 27, Kirk discloses the iconic images representing active transport links between a plurality of electronic room spaces, a user can move from one electronic room to another electronic room by actuating an associated transport link (see fig.4, col.9 line 23 to col.10 line 58).

As to claims 28 and 29, Kirk discloses at least one active transport link image is selected from the group consisting of a door image, a painting image and a photograph image (hypertext files containing pictures and paintings in the museum, see col.10 line 60 to col.11 line 52) and a computer generated image of a common room area simultaneously viewable on a plurality of display devices (displaying in client's devices) and being accessible by multiple users to be visually represented within the common room area for interactive communication (see col.9 lines 1-58 and col.10 line 60 to col.11 line 52).

As to claim 30, Kirk discloses processing means, communication means, and storage means and means to generate and display the room image (see fig.4, col.9 line 45 to col.10 line 58 and col.11 lines 12-52).

As to claim 31, Kirk discloses the electronic space is supported on the network by at least one data processing device having processing means, data storage means, communication means, and means to generate and display the room image (see fig.4, col.9 line 45 to col.10 line 58 and col.11 lines 12-52).

As to claim 32, Kirk discloses a method of a computer based processing system to enhanced creating thinking comprising:

providing a data processing system (fig.4).

using the data processing system to generate an electronic space represented as an image viewed on a computer display device (401 fig.4) linked to a plurality of data resources, human resources and software applications (see col.7 line 48 to col.8 line 37).

selecting activatable links to the resources selected by the user and using the resource (see col.8 lines 38-67 and col.9 lines 1-43).

configuring the electronic space to contain activatable represented as icons within a room space (creating a VR room associated with clients and providing hypertext file links to clients, see fig.4, col.1-49, col.7 line 10 to col.8 line 67 and col.11 lines 13-52) an intelligent agent application for supported on the host/server for interacting with each user accessing an individualized electronic space, using the intelligent agent to view and select the activatable links for incorporation in the electronic room space and providing access to a dispatcher for locating resources and tools for user (configuring a cospace server communicate with other servers and databases to monitor virtual clients, see figs.4, 5, col.6 line 7 to col.5 line 48, col.8 lines 6-44 and col.11 line 40 to col.12 line 11).



As to claims 34-35 and 37, Kurk discloses each recipient (clients 401, 402, 403 of fig.4) having a computer-generated display of the room image on a local display device within an electronic space (see figs.4, 5, col.9 line 11 to col.10 line 59 and col.11 lines 13-52) and the intelligent agent application within the electronic room space to transform user input within the electronic space and generating user selected iconic representations of activatable links to user entertainment resources (providing hypertext links to clients, see figs.4, 5, col.9 line 11 to col.10 line 59 and col.11 lines 13-52).

Claim 36 is rejected for the same reasons set forth in claim 29.

### ***Response to Arguments***

5. Applicant's arguments filed on 5/9/2005 have been fully considered but they are not persuasive.

### ***Other prior art cited***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Cutis et al, US pat. No.6,560,707.
- b. Dickinson, US pat. No.5,634,057.
- c. Farris et al, US pat. No.5,881,131.
- d. Podgorny et al., US pat. No.6,078,948.

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**Conclusion**

7. Claims 21, 22, 24-30, 32 and 34-37 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
8/16/2005